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United States District Court
District of Massachusetts

U.S. DISTRICT COURT
DISTRICT OF MASS.

SHERWIN COOPERSTEIN, BY
ALICE COOPERSTEIN POA, AND
ALICE COOPERSTEIN

: CIVIL ACTION NO.
04-12099 GAO

vs.

:

ROBERT DAVIS, M.D. AND
CAPE COD HEALTH CARE, INC.

: JANUARY 3, 2005

MOTION TO SUBSTITUTE AND FOR LEAVE TO AMEND

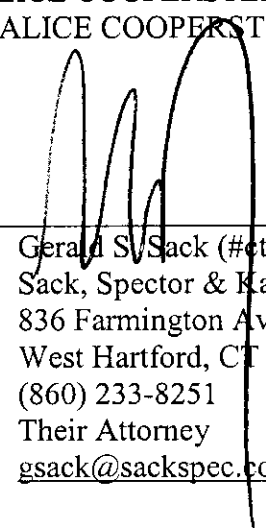
Plaintiff, Alice Cooperstein, moves that she be substituted as Executor of the Estate of Sherwin Cooperstein in this matter, and for permission to file the attached Amended Complaint, reflecting this change. Sherwin Cooperstein passed away on November 16, 2004, and Alice Cooperstein was appointed Executor of the Estate of Sherwin Cooperstein on December 17, 2004, as reflected by the attached Fiduciary's Probate Certificate.

Edward Hinchey, counsel for the defendant, consents to the granting of this motion.

PLAINTIFFS

SHERWIN COOPERSTEIN,
BY ALICE COOPERSTEIN POA,
AND ALICE COOPERSTEIN

By

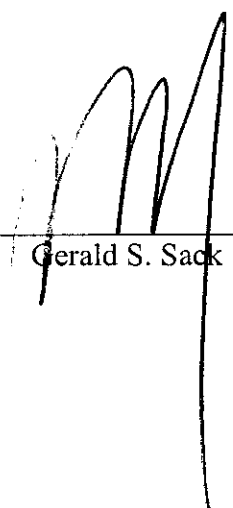


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Their Attorney
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CERTIFICATION

This is to certify that a copy of the foregoing was mailed on this 3rd day of
January, 2005, to the following counsel of record:

Edward Hinchey, Esq.
Sloane and Walsh
3 Center Plaza #850
Boston, MA 02108



Gerald S. Sack